1486. ee. 14.

THE

PROCEEDINGS

Of the Right Honourable the

Lords Spiritual and Temporal

In Parliament aſſembled,

UPON THE

B I L L,

INTITULED,

An Act to releaſe from the Obligation of the Oath of Secrecy, the Members of the Court-martial appointed for the Tryal of Admiral *John Byng*, purſuant to the Exception contained in the ſaid Oath.

Together with the

EXAMINATIONS

Of the ſeveral Members of the ſaid COURT-MARTIAL, taken upon Oath at their LORDSHIPS BAR.

To which is prefixed,

An ABSTRACT of the PROCEEDINGS of the Hon. HOUSE of COMMONS, upon the ſaid Bill.

DUBLIN:

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M,DCC,LVII.

ABSTRACT

OF THE

PROCEEDINGS

Of the HONOURABLE

Houſe of Commons,

UPON THE

BILL,

INTITULED,

An Act to releaſe from the Obligation of the Oath of Secrecy, the Members of the Court-martial appointed for the Tryal of Admiral *John Byng*, purſuant to the Exception contained in the ſaid Oath.

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Jovis, 17 *Die Februarii*, 1757.

MR. *Hunter* (from the Commiſſioners for executing the Office of Lord High Admiral of *Great Britain*) acquainted the Houſe, that, whereas the

Houſe was ſome Time ago acquainted, that Admiral *Byng* (a Member of this Houſe) was detained in Cuſtody of the Marſhal of the Admiralty, in order to take his Trial at a Court Martial, the Court Martial had been held, and had ſentenced Admiral *Byng* to be ſhot to Death; and that, his Majeſty having ſignified his Pleaſure that the ſaid Sentence ſhould be carried into Execution, a Warrant is ſigned to put him to Death on *Monday* the 28th of this Month.

Sabbati, 26 Die Februarii, 1757.

Mr. Secretary *Pitt* acquainted the Houſe, that he had a Meſſage from his Majeſty to this Houſe, ſigned by his Majeſty, and he preſented the ſame to the Houſe, and it was read by Mr. *Speaker*, and is as followeth, *viz.*

GEORGE

GEORGE R.

HIS Majeſty, agreeably to His Royal Word, for the Sake of Juſtice, and of Example to the Diſcipline of the Navy, and for the Safety and Honour of the Nation, was determined to have let the Law take its Courſe, with relation to Admiral *Byng*, as upon *Monday* next; and reſiſted all Sollicitations to the contrary.

But being informed, that a Member of the Houſe of Commons, who was a Member of the Court Martial, which tried the ſaid Admiral, has, in his Place, applied to the Houſe, in Behalf of himſelf, and ſeveral other Members of the ſaid Court, praying the Aid of Parliament to be releaſed from the Oath of Secrecy impoſed on Courts Martial, in order to diſcloſe

the Grounds whereon Sentence of Death paſſed on the ſaid Admiral, the Reſult of which Diſcovery may ſhew the Sentence to be improper; his Majeſty has thought fit to reſpite the Execution of the ſame, in order that there may be an Opportunity of knowing, by the ſeparate Examination of the Members of the ſaid Court, upon Oath, what Ground there is for the above Suggeſtion.

His Majeſty is determined ſtill to let this Sentence be carried into Execution, unleſs it ſhall appear, from the ſaid Examination, that Admiral *Byng* was unjuſtly condemned.

G. R.

The Houſe was moved, that ſo much of an Act, made in the 22d Year of the Reign of his preſent Majeſty, intituled, *An Act for amending, explaining, and reducing into one Act*

Act of Parliament, the Laws, relating to the Government of his Majeſty's Ships, Veſſels, and Forces by Sea, as relates to the Oath of Secrecy, directed to be taken by the Members of a Court Martial, might be read;

And the ſame was read accordingly:

Ordered,

That Leave be given to bring in a Bill, to releaſe from the Obligation of the Oath of Secrecy, the Members of the Court Martial appointed for the Trial of Admiral *John Byng*, purſuant to the Exception contained in the ſaid Oath; and that Mr. *Potter*, and Sir *Francis Daſhwood*, do prepare and bring in the ſame.

Mr. *Potter* preſented to the Houſe (according to Order) a Bill, to releaſe from the Obligation of the Oath of Secrecy, the Members of the Court Martial appointed for the Trial of Admiral *John Byng*, purſuant to the Exception contained in the ſaid Oath; and the ſame was received, and read the firſt Time, and ordered to be read a ſecond Time.

Ordered,

Ordered,

That the ſaid Bill be now read a ſecond Time.

The ſaid Bill was accordingly read a ſecond Time, and committed to a Committee of the whole Houſe.

Reſolved,

That this Houſe will, immediately, reſolve itſelf into a Committee of the whole Houſe, upon the ſaid Bill.

The Houſe accordingly reſolved itſelf into a Committee of the whole Houſe upon the ſaid Bill; and after ſome Time ſpent therein, Mr. *Speaker* reſumed the Chair; and Mr. *Potter* reported from the Committee, that they had gone through the Bill, and made ſeveral Amendments thereunto, which they had directed him to report, when the Houſe will pleaſe to receive the ſame.

Ordered,

Ordered,

That the Report be now received.

Mr. *Potter*, accordingly, reported from the ſaid Committee, the Amendments, which the Committee had made to the Bill, and which they had directed him to report to the Houſe; and he read the Report in his Place, and afterwards delivered the Bill, with the Amendments, in at the Table; where the Amendments were read, and agreed to by the Houſe.

Ordered,

That the Bill, with the Amendments, be ingroſſed.

Lunæ,

Lunæ, 28 *Die Februarii*, 1757.

An ingroſſed Bill to releaſe from the Obligation of the Oath of Secrecy, the Members of the Court Martial appointed for the Trial of Admiral *John Byng*, purſuant to the Exception contained in the ſaid Oath, was read the third Time.

Reſolved,

That the Bill do paſs.

Ordered,

That Mr. *Potter* do carry the Bill to the Lords, and deſire their Concurrence.

Mercurii

Mercurii, 2 Die Martii, 1757.

A Meſſage from the Lords, by Mr. *Burroughs* and Mr. *Holford*; That the Lords do deſire, that this Houſe will give Leave, that the Honourable *Auguſtus Keppel*, *James Douglas*, Eſquire, and *Peter Denis*, Eſquire, Members of this Houſe, may attend the Houſe of Lords this Day, in order to be examined upon the ſecond Reading of the Bill, intituled, *An Act to releaſe from the Obligation of the Oath of Secrecy, the Members of the Court Martial appointed for the Tryal of Admiral* John Byng, *purſuant to the Exception contained in the ſaid Oath.*

And then the Meſſengers withdrew.

Reſolved,

Reſolved,

That this Houſe will ſend an Anſwer to the ſaid Meſſage, by Meſſengers of their own.

And the Meſſengers were again called in, and Mr. *Speaker* acquainted them therewith.

And then they again withdrew.

Mr. *Keppel,* Mr. *James Douglas,* and Mr. *Denis,* being preſent in the Houſe, the Meſſage received from the Lords this Day concerning them was read;

And the ſaid Members ſeverally ſtood up in their Places, and declared, that they were willing to go to the Lords, as is deſired by their Lordſhips in the ſaid Meſſage.

Reſolved,

That the Honourable *Auguſtus Keppel,* Eſquire, *James Douglas,* Eſquire, and *Peter Denis,* Eſquire (Members of this Houſe) have Leave

Leave to go to the Lords, as is desired by their Lordships in the said Message, if the said Members think fit.

Ordered,

That a Message be sent to the Lords, to acquaint them, that this House hath given Leave to the Honourable *Augustus Keppel*, Esquire, *James Douglas*, Esquire, and *Peter Denis*, Esquire (Members of this House) to go to the Lords, as is desired by their Lordships in their Message of this Day, if the said Members think fit.

Ordered,

That Mr. *Potter* do carry the said Message.

THE

TITLE

"Short Title of Act."

THE

PROCEEDINGS

Of the Right Honourable the

Lords Spiritual *and* Temporal,

In Parliament assembled,

UPON THE

B I L L,

INTITULED,

An Act to release from the Obligation of the Oath of Secrecy, the Members of the Court-Martial appointed for the Trial of Admiral *John Byng*, pursuant to the Exception contained in the said Oath.

Together with the

EXAMINATIONS

Of the several Members of the said Court-Martial, taken upon Oath at their Lordships Bar.

PROCEEDINGS

Die Martis 1° *Martij*, 1757.

A Meſſage was brought from the Houſe of Commons by Mr. *Potter* and others, with a Bill, intituled, *An Act to releaſe from the Obligation of the Oath of Secrecy, the Members of the Court-martial appointed for the Trial of Admiral* John Byng, *purſuant to the Exception contained in the ſaid Oath*:-----To which they deſire the Concurrence of this Houſe.

The ſaid Bill was read the Firſt Time, and is as follows, *viz.*

An Act to releaſe from the Obligation of the Oath of Secrecy the Members of the Court-martial, appointed for the Trial of Admiral John Byng, *purſuant to the Exception contained in the ſaid Oath.*

WHEREAS by an Act paſſed in the Twenty ſecond Year of His preſent Majeſty's Reign, intituled, *An Act for amending, explaining, and reducing into One Act of Parliament, the Laws relating to the Government of His Majeſty's Ships, Veſſels, and Forces by Sea*; it is enacted, That upon all Trials of Offenders by Court-martial, all the Officers who are to conſtitute the ſame, ſhall, before they proceed to Trial, take an Oath, among other Things, that they will not, upon any Account, at any Time whatſoever, diſcloſe or diſcover the Vote or Opinion of any particular Member

Member of the ſame Court-martial, unleſs thereunto required by Act of Parliament: And whereas Admiral *John Byng* has been, in purſuance of the ſaid Law, tried by a Court-martial, and been ſentenced by the ſame to be ſhot to Death: And whereas Application has been made by a Member of the ſaid Court-martial, in Behalf of himſelf and ſeveral other Members of the ſaid Court, praying earneſtly to be releaſed by Act of Parliament from the ſaid Part of the ſaid Oath; and alledging that they have ſomething to diſcloſe relative to the ſaid Sentence, which greatly affects their own Conſciences, and which it is neceſſary ſhould be diſcloſed, in order to do Juſtice to the ſaid Admiral *John Byng*; be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall and may be

 lawful

lawful for all and every Perſon and Perſons, who conſtituted the ſaid Court-martial appointed to try the ſaid Admiral *Byng*, and they are hereby required, to diſcloſe or diſcover, upon Oath, before His Majeſty in Council, or before a Committee thereof, all and every the Votes or Opinions of any Member or Members of the ſaid Court-martial; any thing in the Oath contained in the Act herein before, in Part, recited to the contrary thereof notwithſtanding.

Provided always, That nothing in this Act contained ſhall extend to oblige any of the Members of the ſaid Court-martial to diſcloſe or diſcover any Matter or Thing, other than ſuch as he might voluntarily have diſcloſed or diſcovered, in caſe ſuch Member had not taken the ſaid Oath of Secrecy.

And

And it being moved, That the ſaid Bill be read a Second Time To-morrow:

After Debate,

Order'd, That the ſaid Bill be read a Second Time To-morrow, and that the Lords be ſummon'd.

Order'd, That a Meſſage be ſent to the Houſe of Commons, to deſire that they will give Leave, that the Honourable *Auguſtus Keppel*, *James Douglas*, Eſq; and *Peter Denis*, Eſq; Members of that Houſe, may attend this Houſe To-morrow, in order to be examin'd upon the Second Reading of the ſaid Bill.

Order'd, That *Thomas Smith*, Eſq; Vice Admiral of the Red, *Francis Holburne*, Eſq; Rear Admiral of the Red, *Harry Norris*, Eſq; Rear Admiral of the White, *Thomas Brodrick*, Rear Admiral of the Blue, Captain *Charles Holmes*, Captain *Francis Geary*, Captain *William Boys*, Captain *John Moore*, Captain *John Simcoe*, and Captain *John Bentley*, do attend this Houſe To-morrow, in order to be examin'd upon the Second Reading of the ſaid Bill.

Order'd, That ſuch of the Judges, as are in Town, do attend this Houſe To morrow upon the Second Reading of the ſaid Bill.

Die Mercurij 2° Martij, 1757.

THE Meſſengers ſent to the Houſe of Commons to deſire that they would give Leave, that the Honourable *Auguſtus Keppel*, *James Douglas*, Eſq; and *Peter Denis*, Eſq; Members of that Houſe, may attend this Houſe, in order to be examin'd upon the Second Reading of the Bill, *To releaſe from the Obligation of the Oath of Secrecy the Members of the Court-martial appointed for the Tryal of Admiral* John Byng, *purſuant to the Exception contained in the ſaid Oath*; acquainted the Houſe, that they had delivered their Lordſhips ſaid Meſſage, and that the Commons will ſend an Anſwer by Meſſengers of their own.

A Meſſage was brought from the Houſe of Commons by Mr. *Potter* and others, to acquaint this Houſe, that they have given Leave to the Honourable *Auguſtus Keppel*, *James Douglas*, Eſq; and *Peter Denis*, Eſq; Members of their Houſe, to go to the Houſe of Lords, as is deſired by their Lordſhips in their Meſſage of this Day, if the ſaid Members think fit.

The Order of the Day being Read, for the Second Reading of the Bill, intituled, *An Act to releaſe from the Obligation of the Oath of Secrecy the Members of the Court-martial appointed for the Tryal of Admiral* John Byng, *purſuant to the*

the Exception contained in the ſaid Oath; and for the Attendance of ſeveral Perſons in order to be examin'd upon the ſaid Second Reading, and alſo for the Attendance of ſuch of the Judges as are in Town.

The ſaid Bill was accordingly read a ſecond Time.

And it being agreed, That the ſeveral Perſons to be examin'd ſhould be called in ſeparately; and that they ſhould be examin'd upon Oath; and that the Queſtions and Anſwers ſhould be taken down in Writing at the Bar by the Clerk; and alſo, that the Oath of Secrecy directed by the Act of Parliament of the twenty ſecond Year of His Majeſty's Reign, to be taken by the Members of Courts-martial held by virtue of that Act, ſhould be read to each of them before he ſhould be examined.

Vice

Vice Admiral *Thomas Smith*, was called in, and ſworn at the Bar.

And the ſaid Oath of Secrecy was read to him, as follows:

I A. B. *do ſwear, That I will duly adminiſter Juſtice, according to the Articles and Orders eſtabliſhed by an Act, paſſed in the Twenty ſecond Year of the Reign of His Majeſty King* George *the Second, for amending, explaining, and reducing into One Act of Parliament, the Laws relating to the Government of His Majeſty's Ships, Veſſels, and Forces by Sea, without Partiality, Favour, or Affection; and if any Caſe ſhall ariſe, which is not particularly mentioned in the ſaid Articles and Orders, I will duly adminiſter Juſtice according to my Conſcience, the beſt of my Underſtanding, and the Cuſtom of the Navy in the like Caſes; and I do further ſwear, That I will not, upon any Account, at any Time whatſoever, diſcloſe or diſcover the Vote or Opinion of any particular Member of this Court-martial, unleſs thereunto required by Act of Parliament.*

So help me God.

It was mov'd, that

The Twelfth Article in the ſaid Act of the Twenty ſecond Year of His Majeſty's Reign might be read, and the ſame was read accordingly.

Then it was propoſed that Vice Admiral *Smith* ſhould be aſk'd, whether he now thinks, or, as far as he can recollect, ever did think, that he could have apply'd any part of that Article, to a Man whoſe Conduct he thought proceeded from Error of Judgment only.

Which being objected to,

The Vice Admiral was directed to withdraw.

After Debate,

The Queſtion being wav'd for that Time, the Vice admiral was called in again, and aſk'd,

Queſtion. Whether you know any Matter that paſſed, previous to the Sentence pronounced upon Admiral *Byng*, which may ſhew that Sentence to have been unjuſt?

Anſwer. Indeed, I do not.

Queſtion.

Queſtion. Whether you know any Matter that paſſed previous to the ſaid Sentence, which may ſhew that Sentence to have been given through any undue Practice or Motive?

Anſwer. Indeed, I do not.

Queſtion. Whether you are deſirous that the Bill, now under the Conſideration of the Houſe, for diſpenſing with the Oath of Secrecy, ſhould paſs into a Law?

Anſwer. As for myſelf, I have no deſire of it; but if it will be a Relief to the Conſciences of any of my Brethren, it will not be diſagreeable to me.

Queſtion. Whether you are of Opinion, that you have any Particulars to reveal, relative to the Caſe of, and the Sentence paſſed upon, Admiral *Byng*, which you judge neceſſary for His Majeſty's Information, and which you think likely to incline His Majeſty to Mercy?

Anſwer. I have not, indeed, further than as I wrote, what ſeem'd to be at that Time the Senſe of the whole Court, to a Right Honourable Member of this Houſe (Lord *Lyttelton*) ſignifying, that, if it was neceſſary, the Members would willingly attend; to ſet forth the Reaſons

Reaſons that induced them to recommend him to His Majeſty's Mercy.

Queſtion. Whether you think yourſelf reſtrained, by your Oath of Secrecy, from laying before His Majeſty thoſe Matters for inducing His Majeſty's Mercy, which are mentioned, or referred to, in that Letter to my Lord *Lyttelton?*

Anſwer. As the Sentence, and Application for His Majeſty's Mercy, were the unanimous Reſolutions of the Court, I apprehend, that I am at Liberty to give the Reaſons why I requeſted that Mercy.

He was directed to withdraw.

Rear Admiral *Francis Holburne* was called in, and ſworn at the Bar, and the Oath of Secrecy was read to him, as before.

And then he was aſk'd,

Queſtion. Whether you know any Matter that paſſed, previous to the Sentence pronounced upon Admiral *Byng*, which may ſhew that Sentence to have been unjuſt?

Anſwer. No, my Lords.

Queſtion.

Queſtion. Whether you know any Matter that paſſed, previous to the ſaid Sentence, which may ſhew that Sentence to have been given through any undue Practice or Motive?

Anſwer. No, my Lords.

Queſtion. Whether you are deſirous that the Bill, now under the Conſideration of the Houſe, for diſpenſing with the Oath of Secrecy, ſhould paſs into a Law?

Anſwer. No, my Lords.

Queſtion. Whether you are of Opinion, that you have any Particulars to reveal, relative to the Caſe of, and the Sentence paſſed upon, Admiral *Byng*, which you judge neceſſary for his Majeſty's Information, and which you think likely to incline His Majeſty to Mercy?

Anſwer. No, my Lords.

He was directed to withdraw.

Rear Admiral *Harry Norris* was called in, and ſworn at the Bar; and the Oath of Secrecy was read to him, as before.

And then he was aſk'd,

Queſtion.

Queſtion. Whether you know any matter that paſſed, previous to the Sentence pronounc'd upon Admiral *Byng*, which may ſhew that Sentence to have been unjuſt?

Anſwer. I beg to be excuſed anſwering to that Queſtion, while I am under the Oath of Secrecy.

Then the following Queſtion was propoſed to be put to him, *viz.* Whether you have any Matter to diſcloſe, that would ſhew the Sentence to be unjuſt, if you was releaſed from the Oath of Secrecy?

Which being objected to;

He was directed to withdraw.

After Debate;

He was called in again, and aſked the ſaid Queſtion, *viz.*

Queſtion. Whether you have any Matter to diſcloſe, that would ſhew the Sentence to be unjuſt, if you was releaſed from the Oath of Secrecy?

Anſwer. No.

Queſtion.

Queſtion. Whether you know any Matter that paſs'd, previous to the ſaid Sentence, which may ſhew that Sentence to have been given through any undue Practice or Motive?

Anſwer. No.

Queſtion. Whether you are deſirous that the Bill, now under the Conſideration of the Houſe, for diſpenſing with the Oath of Secrecy, ſhould paſs into a Law?

Anſwer. Yes.

Queſtion. Whether you are of opinion, that you have any Particulars to reveal, relative to the Caſe of, and the Sentence paſs'd upon, Admiral *Byng*, which you judge neceſſary for His Majeſty's Information, and which you think likely to incline His Majeſty to Mercy?

Anſwer. I muſt beg leave not to anſwer to that queſtion.

He was directed to withdraw.

Rear Admiral *Thomas Brodrick* was called in, and ſworn at the bar; and the Oath of Secrecy was read to him, as before.

And then he was aſked,

Queſtion.

Queſtion. Whether you know any Matter that paſſed, previous to the Sentence pronounced upon Admiral *Byng*, which may ſhew that Sentence to have been unjuſt ?

Anſwer. No, my Lords, upon my Honour.

Queſtion. Whether you know any Matter that paſs'd, previous to the ſaid Sentence, which may ſhew that Sentence to have been given through any undue Practice or Motive ?

Anſwer. No, my Lords.

Queſtion. Whether you are deſirous that the Bill, now under the Conſideration of the Houſe, for diſpenſing with the Oath of Secrecy, ſhould paſs into a Law ?

Anſwer. No, my Lords.

Queſtion. Whether you are of Opinion, that you have any Particulars to reveal, relative to the Caſe of, and the Sentence paſſed upon, Admiral *Byng*, which you judge neceſſary for His Majeſty's Information, and which you think likely to incline his Majeſty to Mercy ?

Anſwer. No, my Lords.

He was directed to withdraw.

Captain *Charles Holmes* was called in, and ſworn at the Bar, and the Oath of Secrecy was read to him, as before.

And then he was aſk'd,

Queſtion. Whether you know any Matter that paſſed, previous to the Sentence pronounced upon Admiral *Byng*, which may ſhew that Sentence to have been unjuſt?

Anſwer. I know of none.

Queſtion. Whether you know any Matter that paſſed, previous to the ſaid Sentence, which may ſhew that Sentence to have been given through any undue Practice or Motive?

Anſwer. I know of none.

Queſtion. Whether you are deſirous that the Bill, now under the Conſideration of the Houſe, for diſpenſing with the Oath of Secrecy, ſhould paſs into a Law?

An-

Anſwer. I don't deſire it ſhould.

Queſtion. Whether you are of Opinion, that you have any Particulars to reveal, relative to the Caſe of, and the Sentence paſſed upon, Admiral *Byng*, which you judge neceſſary for His Majeſty's Information, and which you think likely to incline His Majeſty to Mercy?

Anſwer. I know nothing more, but the Sentence and the Letter, which all the Gentlemen ſign'd to the Admiralty.

He was directed to withdraw.

The Houſe being inform'd, that Rear Admiral *Norris* was willing to anſwer to the laſt Queſtion that was aſk'd him, when he was at the Bar before, and which he then declined anſwering.

The ſaid Rear Admiral was called in again, and aſk'd the ſaid Queſtion, *viz.*

Queſtion. Whether you are of Opinion, that you have any Particulars to reveal, relative to the Caſe of, and the Sentence paſſed upon, Admiral *Byng*, which you judge neceſſary for His Majeſty's Information, and which you think likely to incline His Majeſty to Mercy?

Anſwer. At the Time I ſaid I was deſirous the Act ſhould take Place, I underſtood that we ſhould have an Opportunity of delivering our particular Reaſons, for ſigning the Sentence, and Letter of Recommendation.

He was directed to withdraw.

Captain *Francis Geary* was called in, and ſworn at the Bar; and the Oath of Secrecy was read to him, as before.

And then he was aſk'd,

Queſtion. Whether you know any Matter that paſſed, previous to the Sentence pronounced upon Admiral *Byng*, which may ſhew that Sentence to have been unjuſt?

Anſwer. No, my Lords.

Queſtion. Whether you know any Matter that paſſed, previous to the ſaid Sentence, which may ſhew that Sentence to have been given through any undue Practice or Motive?

Anſwer. No, my Lords.

Queſtion. Whether you are deſirous that the Bill, now under the Conſideration of the Houſe,

Houſe, for diſpenſing with the Oath of Secrecy, ſhould paſs into a Law?

Anſwer. No, my Lords; but I have no Objection, if it will be to the Satisfaction of any Perſon.

Queſtion. Whether you are of Opinion, that you have any Particulars to reveal, relative to the Caſe of, and the Sentence paſſed upon, Admiral *Byng*, which you judge neceſſary for His Majeſty's Information, and which you think likely to incline his Majeſty to Mercy?

Anſwer. No, my Lords; nothing, but what I have ſigned to, by the Sentence, and Letter of Recommendation.

Queſtion. Whether if the Act was paſſed, you could better explain that Sentence and Letter than you are now able?

Anſwer. My Oath of Secrecy won't permit me to ſay any more.

Queſtion. Whether you think, by your Oath of Secrecy, you are reſtrained from diſcloſing any Thing, but the Vote and Opinion of the Members?

Anſwer. I am one of the Members, and I humbly beg leave to think it my own Opinion.

He was directed to withdraw.

Captain *William Boys* was called in, and ſworn at the Bar, and the Oath of Secrecy was read to him as before.

And then he was aſk'd,

Queſtion. Whether you know any Matter that paſſed, previous to the Sentence pronounced upon Admiral *Byng*, which may ſhew that Sentence to have been unjuſt?

Anſwer. No, my Lords, I do not.

Queſtion. Whether you know any Matter that paſſed, previous to the ſaid Sentence, which may ſhew that Sentence to have been given through any undue Practice or Motive?

Anſwer. No, my Lords, I do not.

Queſtion. Whether you are deſirous that the Bill, now under the Conſideration of the Houſe, for diſpenſing with the Oath of Secrecy, ſhould paſs into a Law?

An-

Anſwer. No, my Lords, I do not.

Queſtion. Whether you are of Opinion, that you have any Particulars to reveal, relative to the Caſe of, and the Sentence paſſed upon, Admiral *Byng*, which you judge neceſſary for his Majeſty's Information, and which you think likely to incline His Majeſty to Mercy?

Anſwer. No, my Lords, I have not.

He was directed to withdraw.

Captain *John Moore* was called in, and ſworn at the Bar, and the Oath of Secrecy was read to him, as before.

And then he was aſk'd,

Queſtion. Whether you know any Matter that paſſed, previous to the Sentence pronounced upon Admiral *Byng*, which may ſhew that Sentence to have been unjuſt?

Anſwer. No, my Lords.

Queſtion. Whether you know any Matter that paſs'd, previous to the ſaid Sentence, which may ſhew that Sentence to have been given through any undue Practice or Motive?

Anſwer. No, my Lords.

Queſtion. Whether you are deſirous that the Bill, now under the Conſideration of the Houſe, for diſpenſing with the Oath of Secrecy, ſhould paſs into a Law?

Anſwer. I am very deſirous it ſhould, that I might be abſolved from the Oath: I have been under great Concern when I have taken the Oath; I don't mean upon this Trial.

Queſtion. Whether you are of Opinion, that you have any Particulars to reveal, relative to the Caſe of, and the Sentence paſſed upon, Admiral *Byng*, which you judge neceſſary for His Majeſty's Information, and which you think likely to incline His Majeſty to Mercy?

Anſwer. I do not think myſelf at Liberty, while I am under this Oath, to anſwer that Queſtion.

Queſtion. Whether if this Bill was paſſed, you could better explain the Sentence, and Letter of Recommendation, than you are now able?

Anſwer. I could give better Information, what were my Motives for ſigning that Sentence and Letter.

He was directed to withdraw.

Captain *John Simcoe* was called in, and ſworn at the Bar, and the Oath of Secrecy was read to him as before.

And

And then he was aſk'd,

Queſtion. Whether you know any Matter that paſſed, previous to the Sentence pronounced upon Admiral *Byng*, which may ſhew that Sentence to have been unjuſt?

Anſwer. I know of none, my Lords.

Queſtion. Whether you know any Matter that paſſed, previous to the ſaid Sentence, which may ſhew that Sentence to have been given through any undue Practice or Motive?

Anſwer. Not in the leaſt, my Lords.

Queſtion. Whether you are deſirous that the Bill now under the Conſideration of the Houſe, for diſpenſing with the Oath of Secrecy, ſhould paſs into a Law?

Anſwer. I have no ſuch Deſire, my Lords.

Q. Whether you are of Opinion, that you have any Particulars to reveal, relative to the Caſe of, and the Sentence paſſed upon, Admiral *Byng*, which you judge neceſſary for His Majeſty's Information, and which you think likely to incline His Majeſty to Mercy?

Anſwer. I have not, my Lords.

He was directed to withdraw.

Captain

Captain *James Douglas* was called in, and ſworn at the Bar, and the Oath of Secrecy was read to him, as before.

And then he was aſked,

Queſtion. Whether you know any Matter that paſſed, previous to the Sentence pronounced upon Admiral *Byng*, which may ſhow that Sentence to have been unjuſt?

Anſwer. No, my Lords, I do not.

Queſtion. Whether you know any Matter that paſſed, previous to the ſaid Sentence, which may ſhew that Sentence to have been given through any undue Practice or Motive?

Anſwer. No, my Lords, I do not.

Queſtion. Whether you are deſirous that the Bill, now under the Conſideration of the Houſe, for diſpenſing with the Oath of Secrecy, ſhould paſs into a Law?

Anſwer. No, my Lords, I do not.

Queſtion. Whether you are of Opinion, that you have any Particulars to reveal, relative to the Caſe of, and the Sentence paſſed upon, Admiral *Byng*, which you judge neceſſary for his Majeſty's Information, and which you think likely to incline his Majeſty to Mercy?

Anſwer.

Anſwer. I have not, my Lords.

He was directed to withdraw.

Captain *John Bentley* was called in, and ſworn at the Bar, and the Oath of Secrecy was read to him, as before.

And then he was aſked,

Queſtion. Whether you know any Matter that paſſed, previous to the Sentence pronounced upon Admiral *Byng*, which may ſhew that Sentence to have been unjuſt?

Anſwer. No: I know of none.

Queſtion. Whether you know any Matter that paſſed, previous to the ſaid Sentence, which may ſhew that Sentence to have been given through any undue Practice or Motive?

Anſwer. None at all.

Queſtion. Whether you are deſirous that the Bill, now under the Conſideration of the Houſe, for diſpenſing with the Oath of Secrecy, ſhould paſs into a Law?

Anſwer. No.

Queſtion.

Queſtion. Whether you are of Opinion, that you have any Particulars to reveal, relative to the Caſe of, and the Sentence paſſed upon, Admiral *Byng*, which you judge neceſſary for His Majeſty's Information, and which you think likely to incline His Majeſty to Mercy?

Anſwer. No.

He was directed to withdraw.

The Honourable *Auguſtus Keppel* was called in, and ſworn at the Bar, and the Oath of Secrecy was read to him, as before.

And then he was aſked,

Queſtion. Whether you know any Matter that paſſed, previous to the Sentence pronounced upon Admiral *Byng*, which may ſhew that Sentence to have been unjuſt?

Anſwer. No.

Queſtion. Whether you know any Matter that paſſed, previous to the ſaid Sentence, which may ſhew that Sentence to have been given through any undue Practice or Motive?

Anſwer. No.

Queſtion.

Queſtion. Whether you are deſirous that the Bill, now under the Conſideration of the Houſe, for diſpenſing with the Oath of Secrecy, ſhould paſs into a Law?

Anſwer. Yes, undoubtedly.

Queſtion. Whether you are of Opinion, that you have any Particulars to reveal, relative to the Caſe of, and the Sentence paſſed upon, Admiral *Byng*, which you judge neceſſary for His Majeſty's Information, and which you think likely to incline His Majeſty to Mercy?

Anſwer. I think that I can't anſwer that Queſtion without particularizing the Reaſons for my Vote and Opinion.

Queſtion. Do you underſtand that theſe particular Reaſons are aſked now?

Anſwer. No.

He was directed to withdraw.

Captain *Peter Denis* was called in, and ſworn at the Bar, and the Oath of Secrecy was read to him, as before.

And then he was aſked,

Queſtion. Whether you know any Matter that paſſed, previous to the Sentence pronounced

ced upon Admiral *Byng*, which may ſhew that Sentence to have been unjuſt?

Anſwer. None at all.

Queſtion. Whether you know any Matter that paſſed, previous to the ſaid Sentence, which may ſhew that Sentence to have been given through any undue Practice or Motive?

Anſwer. No.

Queſtion. Whether you are deſirous that the Bill, now under the Conſideration of the Houſe, for diſpenſing with the Oath of Secrecy, ſhould paſs into a Law?

Anſwer. No.

Queſtion. Whether you are of Opinion, that you have any Particulars to reveal, relative to the Caſe of, and the Sentence paſſed upon, Admiral *Byng*, which you judge neceſſary for His Majeſty's Information, and which you think likely to incline His Majeſty to Mercy?

Anſwer. No.

He was directed to withdraw.

Then the ſaid ſeveral Examinations were read by the Clerk.

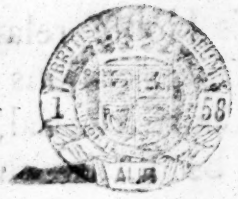
And

And it being moved to reject the ſaid Bill;

Ordered, that the ſaid Bill be rejected.

ORDERED, that the ſaid Bill, and the Proceedings of this Houſe relating thereto, together with the Examinations of the ſeveral Members of the Court Martial, taken upon Oath at the Bar, be forthwith printed and publiſhed.

Aſhley Cowper,

Cler' Parliamentor'

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